

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 18, 2003**

Court convened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., Moore, J., Fybel, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL DANIEL RUDAT
No. v.
G030949 DAVID BOWER

Merits. Cause called. Stuart W. Knight argues for appellant. Donna Bader argues for respondent. Exhibits 19 and 20 are stricken from the record. Cause submitted.

CIVIL PATRICIA LOPEZ
No. v.
G031056 SANTA ANA UNIFIED SCHOOL DISTRICT et al.

Merits. Cause called. Guy A. Bryant argues for appellants. James O. Vaughn argues for respondent. Cause submitted.

CIVIL ALAN HASSO
No. v.
G029468 AMERICAN BUSINESS INVSTMENTS et al.

Merits. Cause called. Jeffrey S. Mintz argues for appellants. Stephen W. Johnson argues for respondent. Appellant to file a supplemental letter brief by August 25, 2003. Cause to be submitted on August 25, 2003.

CIVIL ANAIT ZAKOYAN et al.
No. v.
G029934 ADVANTAGE TANK LINES et al.

Merits. Cause called. Nicholas M. Gedo argues for appellants. Frank M. Pitre argues for respondents. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 18, 2003 (Cont'd)**

CIVIL SHARON HISER
No. v.
G029637 BELL HELICOPTER TEXTRON INC.

Merits. Cause called. Stephen K. Brunk argues for appellant. Douglas W. Schroeder argues for respondent. Cause submitted.

CIVIL CHRISTOPHER HOVENIER et al.
No. v.
G029391 ROBERT BARRETT et al.
G029406

Merits. Cause called. Suzanne J. DeRosa present and waives oral argument for appellant Robert Barrett. Gina McCoy argues for appellant Rajesh Kadakia. Christopher Day argues for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 18, 2003 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., O'Leary, J., Aronson, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL CITY OF HUNTINGTON BEACH et al.
No. v.
G029778 ORANGE COUNTY WATER DISTRICT et al.

Merits. Cause called. Scott F. Field argues for appellant City of Huntington Beach. Alan R. Burns argues for appellant City of Fountain Valley. Ronald E. Van Buskirk argues for respondents. Cause submitted.

CIVIL JAN-TERRESE SHEETS
No. v.
G030857 BANK OF AMERICA

Merits. Cause called. Michael R. Hambly argues for appellant. Patricia M. Snyder argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 18, 2003 (Cont'd)**

CRIM No. G030110	THE PEOPLE v. MITCHELL A. MARGARETICH	Not for publication
------------------------	---	---------------------

Opinion filed. Judgment is reversed and remanded.
O'Leary, J.

We concur: Bedsworth, Acting P.J.
Moore, J.

CRIM No. G030510	THE PEOPLE v. EDWARD R.	Not for publication
------------------------	-------------------------------	---------------------

Opinion filed. Judgment is affirmed.
Bedsworth, J.

We concur: Sills, P.J.
Ikola, J.

CIVIL No. G030600	RICK TARNUTZER v. DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A.	Not for publication
-------------------------	--	---------------------

Opinion filed. Judgment is affirmed.
Aronson, J.

We concur: Sills, P.J.
O'Leary, J.

CIVIL No. G032262	WILLIAM B. v. SUPERIOR COURT; SOCIAL SERVICES AGENCY	Not for publication
-------------------------	---	---------------------

Opinion filed. Writ petition denied.
O'Leary, J.

We concur: Rylaarsdam, Acting P.J.
Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 19, 2003**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., O'Leary, J., Moore, J., and Fybel, J. A. Cajigal, Deputy Clerk attending.

CRIM THE PEOPLE
No. v.
G028665 JUAN JUAREZ

Merits. Cause called. Peter B. Clarke argues for appellant. Robert Foster, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G029933 STEPHEN PIGAGE

Merits. Cause called. Joanna McKim argues for appellant. Douglas Danzig, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G029178 RICHARD LOMELI JR. et al.

Merits. Cause called. Stephen M. Lathrop argues for appellant Frank Reza. Susan S. Bauguess argues for appellant Richard Lomeli Jr. Robert Foster, Deputy Attorney General argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 19, 2003 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., O'Leary, J., and Aronson, J. A. Cajigal, Deputy Clerk attending.

CIVIL PEGGIE BROWN
No. v.
G031164 ERIE INSURANCE EXCHANGE

Merits. Cause called. Jeffrey Wilens argues for appellant. Joan Selleck argues for respondent. Cause submitted.

CIVIL HAROLD YAMANUHA
No. v.
G029257 WILLIAM TAKAHASHI

Merits. Cause called. Richard A. Derevan argues for appellant. Marjorie G. Fuller argues for respondent. Cause submitted.

CIVIL LISA KANTROWITZ
No. v.
G031021 NEIL CHAFETZ

Merits. Cause called. Thomas J. Weiss argues for appellant. Richard A. Derevan argues for respondent. Cause submitted.

CIVIL THOMAS D. WILSON
No. v.
G030267 MERCURY CASUALTY COMPANY

Merits. Cause called. Richard A. Derevan argues for appellant. John V. Hager argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 20, 2003**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., O’Leary, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL PETER J. SUKIN
No. v.
G030957 RODNEY C. MILES PROFESSIONAL BUSINESS PLANNING

Merits. Cause called. Rodney C. Miles made no appearance for appellant. William L. Schanz argues for respondent. Cause submitted.

CIVIL CYNTHIA FIGUEROA
No. v.
G031244 ROBERT FIGUEROA

Merits. Cause called. Brenda McCune argues for appellant. Steven J. Brewer argues for respondent. Cause submitted.

CRIM SHANE SANCHES
No. v.
G032018 SUPERIOR COURT;
 THE PEOPLE

Merits. Cause called. Lee Blumen, Deputy Public Defender argues for petitioner. Brian Fitzpatrick, Deputy District Attorney argues for real party in interest. Cause submitted.

CIVIL GENE MORAN
No. v.
G031361 BROOKSTONE COMPANY, INC.

Merits. Cause called. Appellant Gene Moran argues on his own behalf. Cannon Pearson argues for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 20, 2003 (Cont'd)**

CIVIL	ORANGE COUNTY SOCIAL SERVICES AGENCY
No.	v.
G031967	JAMES V. et al.

Merits. Cause called. Rachel Bavis, Deputy County Counsel argues for appellant. Paul T. DeQuattro, Deputy Public Defender argues for respondent Tammy V. Kathleen M. Mallinger argues for respondent Vince V. Sharon Rollo argues for respondent Michael R. Jacquelyn E. Gentry argues for the minors. Cause submitted.

CIVIL	THE ARCHDIOCESE OF MILWAUKEE
No.	v.
G031386	SUPERIOR COURT; ERIC N. PAINO

Merits. Cause called. Matthew J. Flynn argues for petitioner. Katherine K. Freberg argues for real party in interest. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 20, 2003 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Bedsworth, J., O'Leary, J., and Moore, J. M. Urena, Deputy Clerk attending.

CIVIL MARYAM DAYEH
No. v.
G031119 OSO FAMILY MEDICAL GROUP et al.

Merits. Cause called. Donna Bader argues for appellant. Suzanne J. DeRosa argues for respondents. Cause submitted.

CIVIL JEFFREY M. HOWARD et al.
No. v.
G031054 SARA BROWN

Merits. Cause called. Jeffrey M. Howard argues for appellants. B. Kimberly Johnson argues for respondent. Respondent to file a supplemental brief by September 5, 2003. Cause to be submitted on September 5, 2003.

CIVIL In re ELIZABETH BORUNDA
No. on
G031187 Habeas Corpus

Merits. Cause called. Lee Blumen, Deputy Public Defender argues for petitioner. Scott G. Scoville, Deputy District Attorney argues for respondent. Cause submitted.

CIVIL CONKLE & OLESTEN
No. v.
G030325 RUS, MILIBAND & SMITH

Merits. Cause called. Randall A. Smith argues for appellant. John A. Conkle argues for respondent Conkle & Olesten. Phillip K. Fife argues for respondent Goodrich, Goodyear & Hinds. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 20, 2003 (Cont'd)**

CIVIL	CONKLE & OLESTEN
No.	v.
G028909	RUS, MILIBAND & SMITH

Merits. Cause called. Randall A. Smith argues for appellant. John A. Conkle argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 20, 2003 (Cont'd)**

CRIM No. G029581	THE PEOPLE v. DINO D'SAACHS	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: O'Leary, J. Moore, J.	Bedsworth, Acting P.J.
CRIM No. G030955	THE PEOPLE v. GERSON O.	Not for publication
	Opinion filed. Judgment affirmed as modified.	
	Before Sills, P.J., Rylaarsdam, J., and Fybel, J.	By the Court
CIVIL No. G031793	ORANGE COUNTY SOCIAL SERVICES AGENCY v. RUBEN M.	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Aronson, J. Fybel, J.	Bedsworth, Acting P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 21, 2003**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P.J., Aronson, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL RICHARD REISS
No. v.
G030687 SHANNON R. BOYD

Merits. Cause called. Appellant Shannon R. Boyd argues on his own behalf. No appearance made for respondent. Cause submitted.

CIVIL IDS LIFE INSURANCE COMPANY
No. v.
G028683 JAMES McCORD

Merits. Cause called. Paul M. DeCicco argues for appellant. Lee G. Werner argues for respondents. Cause submitted.

CIVIL JASON GULVARTIAN
No. v.
G030383 GERALD M. SHAW

Justice William Bedsworth, Acting Presiding Justice, made an announcement. Appellant's counsel Philip Dapeer made no appearance. His plane was delayed in New Mexico. Respondent's counsel Robert Keaster submits on the briefs. Cause submitted.

CIVIL WILLIAM M. PAGE
No. v.
G030888 LARRY J. HUNT et al.

Merits. Cause submitted. Stanley R. Jones argues for appellant. Ronald K. Brown, Jr. argues for respondents. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 21, 2003 (Cont'd)**

CIVIL MACERICH BRISTOL ASSOCIATES
No. v.
G030413 LAWRENCE W. ZARRILLI et al.

Merits. Cause called. Stephen M. McNamara argues for appellant Lawrence Zarrilli. Robert F. Zwirlein argues for appellant Stephen Barker. Peter Krupinsky argues for respondent. Cause submitted.

CIVIL RICHARD MERRILL
No. v.
G030970 BANK OF AMERICA NA

Merits. Cause called. Roger E. Naghash argues for appellant. David W. Moon argues for respondent California Federal Bank. This matter heard together along with G030193 consolidated with G030569. Cause submitted.

CIVIL RICHARD MERRILL
No. v.
G030193 ANTOINETTE GRASSO et al.
G030569

Merits. Cause called. Roger E. Naghash argues for appellant. Franklin I. Remer argues for respondents Antoinette Grasso et al. Gary Tokumori argues for respondents Bank of America et al. This matter heard together along with G030970. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 21, 2003 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Bedsworth, J., and Moore, J. M. Urena, Deputy Clerk attending.

CIVIL DAVIS & COMPANY et al.
No. v.
G030243 ARTHUR R. SERRANO

Merits. Cause called. Appellant Arthur R. Serrano is present and submits on the briefs. Counsel for respondents was excused from appearing at oral argument. Cause submitted.

CIVIL MARY ODDINO
No. v.
G029087 JAMES ODDINO

Merits. Cause called. Robert Glassser argues for appellant. Wayne S. Jacobsen argues for respondent. Cause submitted.

CIVIL RUSSELL RUFFINO
No. v.
G030597 MARCIA C. MITCHEL

Merits. Cause called. Appellant Marcia C. Mitchel argues on her own behalf. Katherine W. Jorgensen argues for respondent. Cause submitted.

CIVIL ODEH ALRAHEB
No. v.
G03064 GABRIEL FRANCO

Merits. Cause called. Appellant Odeh Alraheb argues on his own behalf. Carlos F. Negrete argues for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 21, 2003(Cont'd)**

CIVIL	CHI TANG
No.	v.
G031037	COUNTY OF ORANGE

Merits. Cause called. Bruce A. Thomason argues for appellant. Debra E. Allen argues for respondent County of Orange. Joel S. Boyer argues for respondent Craig Goldsmith. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 21, 2003(Cont'd)**

CRIM	THE PEOPLE	Not for publication
No.	v.	
G030057	MICHAEL ANTHONY GALLARDO	

Opinion filed. Judgment affirmed.

Ikola, J.

We concur: Rylaarsdam, Acting P.J.
Aronson, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G030658	MICHAEL STEWART SWANBERG	

Opinion filed. Judgment affirmed.

Bedsworth, J.

We concur: Rylaarsdam, Acting P.J.
O'Leary, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G031494	JOSE ESCALANTE	

Opinion filed. Judgment affirmed as modified.

Sills, P.J.

We concur: Bedsworth, J.
Aronson, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G031897	ARTURO AGUILAR	

Opinion filed. Judgment affirmed.

O'Leary, J.

We concur: Rylaarsdam, Acting P.J.
Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 22, 2003**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Bedsworth, J., Moore, J., Aronson, J., and Fybel, J. K. Rossi, Deputy Clerk attending.

CIVIL DENA MOORE
No. v.
G030152 JEFFREY MOORE

Merits. Cause called. Brian G. Saylin argues for appellant. Richard A. Derevan argues for respondent. Cause submitted.

CIVIL RALPH BALCOF
No. v.
G030572 KATHLEEN BALCOF

Merits. Cause called. Jeffrey W. Doeringer argues for appellant. Marjorie G. Fuller argues for respondent. Cause submitted.

CIVIL LIBERTY MUTUAL INSURANCE CO.
No. v.
G031044 UNITED COASTAL INSURANCE CO.

Merits. Cause called. Melodee A. Yee argues for appellant Liberty Mutual Insurance Company. David Cooksey argues for appellants Scottsdale Insurance Company and Argonaut Insurance Company. Scott M. Kolod argues for respondent United Coastal Insurance Company. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 22, 2003(Cont'd)**

CIVIL	SHARON HISER	Certified for publication
No.	v.	
G029637	BELL HELICOPTER TEXTRON INC.	

Opinion filed. Judgment affirmed.

Ikola, J.

We concur: Moore, Acting P.J.
Fybel, J.